

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Boston Scientific Corp.  
Pelvic Repair System Products Liability Litigation  
MDL No. 2326*

Civil Action No. 2:13-cv-17312

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**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2326 by reference. Plaintiff(s) further show the Court as follows:

1. Female Plaintiff:

Kathleen Osborn

2. Plaintiff Husband (if applicable):

Jack Osborn

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. State of Residence:

California

5. District Court and Division in which venue would be proper absent direct filing:

Central District of California

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6. Defendants (Check Defendants against whom Complaint is made):

X      A. Boston Scientific Corporation

- ☐ B. American Medical Systems, Inc. ("AMS")
- ☐ C. Johnson & Johnson
- ☐ D. Ethicon, Inc.
- ☐ E. Ethicon, LLC
- ☐ F. C. R. Bard, Inc. ("Bard")
- ☐ G. Sofradim Production SAS ("Sofradim")
- ☐ H. Tissue Science Laboratories Limited ("TSL")
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction:

X Diversity of Citizenship

☐ Other: \_\_\_\_\_

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

¶3, 4, 5, 6 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Other allegations of jurisdiction and venue:

The device in question was implanted in California, Plaintiff resides in California and  
accordingly, in the event of remand from the MDL court, this case should be remanded to  
the Central District of California.

\_\_\_\_\_

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff):

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☐ The Solyx SIS System; and/or
- X Other

Polyform Synthetic Mesh

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9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☐ The Solyx SIS System; and/or

X Other

Polyform Synthetic Mesh

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10. Date of Implantation as to Each Product:

May 27, 2009

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11. Hospital(s) where Plaintiff was implanted (Including City and State):

Kaiser Permanente – Riverside, California

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12. Implanting Surgeon(s):

Kenneth Chien-Hsing Su, MD

Catherine A. Warner, MD

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13. Counts in the Master Complaint brought by Plaintiff(s)

- X Count I – Negligence
- X Count II – Strict Liability – Design Defect
- X Count III – Strict Liability – Manufacturing Defect
- X Count IV – Strict Liability – Failure to Warn
- X Count V - Breach of Express Warranty
- X Count VI – Breach of Implied Warranty
- X Count VII (by the Husband) – Loss of Consortium

X Count VIII – Discovery Rule, Tolling and Fraudulent Concealment

X Count IX – Punitive Damages

☐ Other Count \_\_\_\_\_ If Plaintiff asserts additional claims,  
please state the factual and legal basis for these claims below:

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☐ Other Count \_\_\_\_\_ If Plaintiff asserts additional claims,  
please state the factual and legal basis for these claims below:

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Date: July 4, 2013

Address and bar information:

Zimmerman Reed, PLLP

1100 IDS Center

80 South 8th Street

Minneapolis, MN 55402

s / Genevieve Zimmerman  
Attorney for Plaintiff

Genevieve M. Zimmerman, Esq. MN330292